

REMARKS

Claims 61-66, 68-83, 85-96, 100, 101 and 111-153 have been cancelled in favor of a single new independent claim 156, and dependent claims 157-173. The Assignee reserves the right to pursue claims similar or identical to the claims as pending prior to cancellation herein in one or more applications claiming priority to the instant application.

The undersigned thank the Examiner for the courtesy of telephone correspondence on July 9, 2004 and July 12, 2004. During such correspondence, the Examiner indicated that a Preliminary Amendment canceling all claims in favor of a new set of claims, in response to the Restriction Requirement issued June 9, 2004, would not require that a Request for Continued Examination be simultaneously filed. Accordingly, the Assignee has filed the present Preliminary Amendment, but has not filed a Request for Continued Examination. This summary of the telephone correspondence of July 9, 2004 and July 12, 2004 represents, to the best of the undersigned's knowledge, the entire subject matter of the correspondence of those dates.

If an election is required to satisfy the Restriction Requirement prior to the cancellation of all claims in favor of the claims presented in the instant preliminary amendment, then the Assignee elects Group I, with traverse. The traversal is made on the grounds that it is believed that a single search and examination covering all claims would not place undue burden on the Examiner.

New independent claim 156 is supported throughout the specification, for example, on page 7, lines 6-19; page 10, lines 2-19; page 11, lines 9-14; or page 12, lines 16-20. New claims 157-173, which each depend, either directly or indirectly from claim 156, have each been rewritten from previously depending claims. No new matter has been added by this Preliminary Amendment.

CONCLUSION

A favorable first Office Action is respectfully requested.

If, for any reason, the Examiner is of the opinion that a telephone conversation with Applicants' representatives would expedite prosecution, the Examiner is kindly invited to contact the undersigned at the telephone number listed below.

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If this response is not considered timely filed and if a request for an extension of time is otherwise absent, assignee hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,
BioProcessors Corp.,
Assignee of the Entire Interest

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